IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 1115 OF 2004

Iqbal Heer Ahmed Ansari ...Appellant

Vs.

Municipal Corporation of
Greater Mumbai and Anr. ...Respondents

CORAM: A.S.OKA, J.
DATED: JANUARY 11, 2005.

P.C.:

1. By this Appeal the Appellant has taken exception to the order dated 4th December 2004 passed by the learned Trial Judge. By the impugned order, ad-interim relief has been refused to the Appellant. The suit structure was admittedly demolished after the suit was filed. The Appellant has taken out Chamber Summons for amendment of Plaint. A fresh Notice of Motion has been taken out praying for relief of restoration of the suit structure. Ad-interim relief was prayed for by way of injunction restraining the Respondents from dispossessing the Appellant from the site of the suit structure.

2. After having perused the impugned order, I find that the learned Trial Judge was justified in rejecting the prayer for ad-interim relief. The Notice of Motion is still pending and it is bound to be decided on its own merits.

3. Appeal is dismissed with no order as to costs.

4. The learned Trial Judge will decide the Notice of Motion as expeditiously as possible. It is obvious that the Notice of Motion will be decided on its own merits without being influenced by the confirmation of the impugned order by this Court.

5. Parties to act upon an authenticated copy of this order.

Judge.